

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter Of

CLASSIC SPORTS NETWORK, INC.,

Complainant,

v.

CABLEVISION SYSTEMS CORPORATION,

Defendant.

CS Docket No. 97-171

CSR-4975-P

Judge Joseph Chachkin

JOINT MOTION FOR A PROTECTIVE ORDER

In accordance with the rulings at the hearing held on November 6, 1997 in this matter, the parties to the above captioned case hereby jointly move for entry of the attached protective order, attached hereto as Exhibit 1.

Dated: November 18, 1997.



Robert A. Garrett  
Philip W. Horton  
Richard L. Rosen  
Robert M. Cooper

ARNOLD & PORTER  
555 12th Street, N.W.  
Washington, D.C. 20004-1202  
(202) 942-5999

Attorneys for Classic  
Sports Network, Inc.



Howard J. Symons  
William A. Davis  
Michael B. Bressman  
Gregory R. Firehock

MINTZ, LEVIN, COHN,  
FERRIS, GLOVSKY &  
POPEO, P.C.  
701 Pennsylvania Ave., N.W.  
Suite 900  
Washington, D.C. 20004  
(202) 434-7300

Attorneys for Cablevision  
Systems Corporation

A handwritten signature in dark ink, appearing to read "Deborah Klein", followed by a large, stylized flourish or initial.

Deborah Klein  
Allan K. Manual  
Cable Services Bureau  
Federal Communications Commission  
2033 M Street, N.W.  
Room 700  
Washington, D.C. 20554



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In the Matter Of	)	
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CLASSIC SPORTS NETWORK, INC.,	)	
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Complainant,	)	CS Docket No. 97-171
	)	
v.	)	CSR-4975-P
	)	
CABLEVISION SYSTEMS CORPORATION,	)	Judge Joseph Chachkin
	)	
Defendant.	)	

PROTECTIVE ORDER

It is hereby ORDERED that:

1. All documents or other material produced in this action shall be used solely for purposes of defending or prosecuting this litigation, including any appeals. Such documents or materials, and any information contained therein or derived therefrom, shall not be disclosed to anyone except in accordance with paragraphs 3, 4, 8 and 9 hereof.

2. Any party, or any third party subject to discovery in this action, may designate as "Confidential" any document or other material which that party in good faith believes to contain confidential information. Such "Confidential" designation shall be made at the time documents or materials are produced. Any party, or any third party subject to discovery in this action, may designate as "Confidential Restricted" any document or

other material which that party in good faith believes to contain highly confidential information, including, but not limited to, information that a competitor could or may use to obtain a commercial advantage or benefit. Material designated as "Confidential" or "Confidential Restricted" includes, but is not limited to, trade secrets and other commercial information, as such terms are used in Federal Rule of Civil Procedure 26(c)(7). In the case of depositions, the designation should be made by so stating on the record of the deposition or by making such designation within ten (10) days after receipt of the deposition transcript. Prior to the expiration of the ten (10) day period, all depositions shall be treated as if they were designated "Confidential Restricted." In the case of documents, interrogatories, admissions, and other discovery material produced by third parties, designations may be made within ten (10) days after receipt of such discovery material. Prior to the expiration of the ten (10) day period, all such discovery material produced by third parties shall be treated as if it were designated "Confidential Restricted."

3. Documents or material designated as "Confidential" pursuant to the terms of this Order, and any information contained therein or derived therefrom, shall not be disclosed to anyone other than the following persons:

- (a) Outside counsel representing any party in connection with this litigation (and employees of such counsel);
- (b) One (1) designated representative of each party;
- (c) In-house counsel for any party;
- (d) Any bona fide Independent Outside Expert (which shall not include any employee, customer, supplier or competitor of any party) retained by counsel to assist in the prosecution or defense of this litigation (provided such experts stipulate in writing to be bound by the terms of this Order) as set forth in Paragraph 8 herein;
- (e) Persons designated by the Cable Services Bureau of the Federal Communications Commission to work on this litigation; and,
- (f) The Administrative Law Judge and any persons employed by his office to work on this litigation.

4. Documents or material designated as "Confidential Restricted" pursuant to the terms of this Order, and any information contained therein or derived therefrom, shall not be disclosed to anyone other than the following persons:

- (a) Outside counsel (attorneys only) representing any party in connection with this litigation,

provided that only one additional copy may be made for use by the attorneys of the non-producing party, and that additional copies may be made for use at a deposition in this case if all such additional copies (other than the one remaining with the court reporter for inclusion in the transcript) are destroyed at the conclusion of such deposition, and further provided that the material be maintained in a locked or similarly secure environment;

(b) Any bona fide Independent Outside Expert (which shall not include any employee, customer, supplier or competitor of any party) retained by counsel to assist in the prosecution or defense of this litigation (provided such experts stipulate in writing to be bound by the terms of this Order) as set forth in Paragraph 8 herein, provided that the Independent Outside Expert may review (but may not copy or reproduce) "Confidential Restricted" material at the offices of outside counsel for any party;

(c) Persons designated by the Cable Services Bureau of the Federal Communications Commission to work on this litigation, provided that no copies may be made except for use at a deposition in this case if all such

copies (other than the one remaining with the court reporter for inclusion in the transcript) are destroyed at the conclusion of such deposition, and further provided that the material be maintained in a locked or similarly secure environment; and,

- (d) The Administrative Law Judge and any persons employed by his office to work on this litigation.

5. Nothing in this Order shall be construed as preventing any party from objecting to any "Confidential" or "Confidential Restricted" designation, in the first instance by sending a letter to the party making such designation stating the basis for its objection, and in the second instance by making a written motion to the Administrative Law Judge for an order removing such designation. Any document or material designated "Confidential" or "Confidential Restricted," respectively, to which an objection has been made shall continue to be treated as "Confidential" or "Confidential Restricted," respectively, within the meaning of this Order unless and until otherwise agreed upon by the party designating the document or material "Confidential" or "Confidential Restricted," respectively, or unless and until the Administrative Law Judge rules otherwise.

6. During a duly noticed deposition, documents or materials designated "Confidential" or "Confidential

Restricted" may be disclosed to any witness who is employed by the producing party, or to any other person who was privy to such documents, but may not be shown to any other witness absent prior approval from counsel for the producing party or order of the Administrative Law Judge. At the request of any party, attendance at depositions may be restricted to the persons designated in paragraph 4 hereof and the attorney(s) for any nonparty deponent.

7. Nothing herein shall be construed to affect in any way the admissibility of any document, testimony or other evidence at the administrative hearing, nor to limit the use of documents or materials by the party who has designated them as "Confidential" or "Confidential Restricted."

8. Prior to disclosing or giving access to "Confidential" or "Confidential Restricted" material to a proposed Independent Outside Expert, outside counsel for the non-designating party must notify the designating party by letter of the non-designating party's intention (the "Notice of Intent to Disclose"). The Notice of Intent to Disclose must identify the proposed Independent Outside Expert to whom access is to be given or disclosure made by providing a resume or other similar summary of the person's employment history. Upon receipt of the Notice of Intent to Disclose, the designating party shall have 48 hours in which to object to the proposed access or

disclosure on the basis of its good faith concern that the proposed Independent Outside Expert may not treat such information with the degree of care reasonably necessary to prevent inadvertent or improper use or disclosure. No "Confidential" or "Confidential Restricted" material may be made accessible to or disclosed by a non-designating party to a proposed Independent Outside Expert during this 48 hour period. In the event of such objection by the designating party, the non-designating party seeking such disclosure may file a motion for an order determining whether "Confidential" and/or "Confidential Restricted" material may be made accessible or disclosed by the non-designating party to the particular proposed Independent Outside Expert. Until such motion is resolved, no "Confidential" or "Confidential Restricted" material may be disclosed by the non-designating party to the proposed Independent Outside Expert as to whom such objection has been made.

9. In the event that a non-designating party wishes to give access to "Confidential Restricted" material to the General Counsel of such party, outside counsel for the non-designating party must notify the designating party by letter of the non-designating party's intention (the "Notice of Intent to Disclose"). The Notice of Intent to Disclose shall identify the specific material which the non-designating party seeks to make available to its General Counsel. Upon receipt of the

Notice of Intent to Disclose, the designating party shall have 48 hours in which to object to the proposed access or disclosure on the basis of its good faith concern that the General Counsel may not treat such information with the degree of care reasonably necessary to prevent inadvertent or improper use or disclosure. No "Confidential Restricted" material may be made accessible to or disclosed by a non-designating party to its General Counsel during this 48 hour period. In the event of such objection by the designating party, the non-designating party seeking such disclosure may file a motion for an order determining whether "Confidential Restricted" material may be made accessible or disclosed by the non-designating party to its General Counsel. Until such motion is resolved, no "Confidential Restricted" material may be disclosed by the non-designating party to its General Counsel.

10. Documents or materials designated "Confidential" or "Confidential Restricted" in accordance with the terms of this Order, whether in briefs or otherwise, shall be filed under seal and kept under seal until further order of the Administrative Law Judge.

11. Upon final disposition of this action, all documents and materials designated "Confidential" or "Confidential Restricted" (and all copies of such documents or materials or portions thereof) shall be returned to the person producing such documents or

materials or counsel of record shall certify in writing  
that such material has been destroyed.

Signed and entered this \_\_th day of November,  
1997.

\_\_\_\_\_  
Joseph Chachkin  
Administrative Law Judge